

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RONALD G. JOHNSON,)	
)	
Petitioner,)	Civil Action No. 05-258-KAJ
)	
v.)	
)	
RAPHAEL WILLIAMS, Warden,)	
)	
Respondent.)	

O R D E R

WHEREAS, the petitioner has filed papers seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2241 and requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915; and

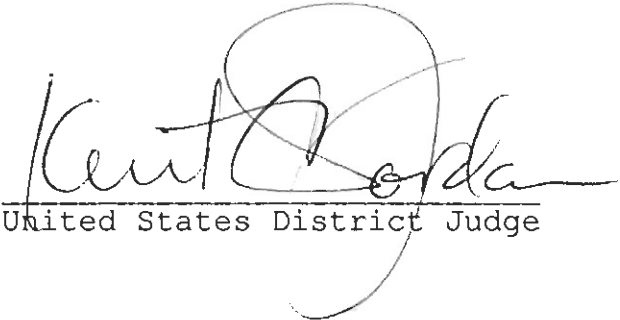
WHEREAS, based on the information in the petitioner's affidavit, his request to proceed in forma pauperis is granted; and

WHEREAS, the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), 28 U.S.C. § 2244, effectively precludes petitioners from filing a second or subsequent habeas petition except in the most unusual of circumstances; and

WHEREAS, the United States Court of Appeals for the Third Circuit has mandated that, before ruling on the merits of a habeas petition, the petitioner must be given notice that AEDPA applies to his pending petition, see United States v. Miller, 197

F.3d 644 (3d Cir. 1999) and Mason v. Meyers, 208 F.3d 414 (3d Cir. 2000).

NOW, THEREFORE, IT IS ORDERED this 23rd day of May, 2005, that, on or before June 23, 2005, the petitioner must file with the Court the attached election form. Failure to timely return the completed election form will result in the Court's ruling on petitioner's pending petition as filed.


United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RONALD G. JOHNSON,)	
)	
Petitioner,)	Civil Action No. 05-258-KAJ
)	
v.)	
)	
RAPHAEL WILLIAMS, Warden,)	
)	
Respondent.)	

AEDPA ELECTION FORM

1. _____ I wish the Court to rule on my § 2241 petition as currently pending. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this petition will be my one opportunity to seek federal habeas corpus relief.

2. _____ I wish to amend my § 2241 petition to include all the grounds I have. I will do so within thirty (30) days. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this amended all-inclusive petition will be my one opportunity to seek federal habeas corpus relief.

3. _____ I wish to withdraw my § 2241 petition without prejudice to file one all-inclusive petition in the future; that is, one that raises all the grounds I have for federal habeas corpus relief. I realize this all-inclusive petition must be filed

within the one-year period as defined by
28 U.S.C. § 2244(d). See Swartz v. Meyers,
204 F.3d 417 (3d Cir. 2000).

4. _____ I am not seeking federal habeas corpus
relief under § 2241. I am instead seeking
relief under _____.

Petitioner